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UB Students Once Again Beset By Late Grades

by Edward M. Sinker

Over six weeks have passed since the 1980 fall semester final exam period ended. The inability of certain professors to meet their grading responsibilities continues. To date, fourteen professors have not turned in grades for the following courses:

Problems with State and Local Government (Hyman)
Balancing (Katz)
Early American Constitutional History (Ellis)

Seminar in Constitutional Law (Männ)
Sociology of Law (Ross)
Introduction to Legal Methods (Spiegelman)
Civil Procedure I (Olsen)
Contracts (Schlegel)
Federal Tax I (Joyce)
Gratuitous Transfers (Joyce)
Ethics (Breger)
Patents & Copyrights (Cartwright)
Limits on the Subpoena Power (Halpern)
Financial Institution Regulations (Spanogle)
Judges (Berger)



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Opinion

"Only the apathetic have no opinion ..."

Opinion
John Lord O'Brian Hall
SUNY/B. North Campus
Buffalo, New York 14260

Volume 21, Number 8

State University of New York at Buffalo School of Law

March 5, 1981

Students Gather to Fight Proposed SUSTA Cut

Despite over 200 students receiving SUSTA within the law school, only 30 students attended an SBA-Administration meeting on how to fight the elimination of the financial aid program.

The meeting, which had been publicized for several days around the law school, was designed to inform the student body as to what the Student Bar Association and Dean Thomas Headrick were planning to do to get the Legislature to restore the \$250,000 financial aid program to the law school.

Led by SBA President Bill Altreuter, Dean Thomas Headrick and Financial Aid Advisor Jay Marlin, the law school plans on mounting a major effort to get the Legislature to restore the SUSTA funding, whose loss would mean the loss of \$1200 per year in aid to anyone receiving the maximum TAP award.

"This is really unbelievable," stated

Altreuter, in response to the low turn-out. "You would think people who are going to lose \$1200 a year would be interested enough to try to do something about it. There are 150 first and second year students receiving SUSTA. Where are they?"

While thanking those persons who attended the meeting, Altreuter noted that it would take a much larger student response for a major effort to be launched.

Former SBA representative John Feroletto urged Altreuter to have the SBA sponsor a "Fight SUSTA" party, with the price of admission being a letter to one's assemblyman or state senator.

Said Feroletto, "If you have several kegs, and have a party on the 3rd floor, and have the purpose of the party being to fight SUSTA, then I think you'll have a lot of students in attendance, even those who don't get SUSTA."

Most in attendance nodded their approval at this suggestion, and Altreuter was ex-

pected to present the idea to the SBA.

Altreuter suggested the possibility of sending individuals to Albany to personally lobby with the Legislature if there were enough students interested.

While Altreuter was speaking, sample letters were handed out and the students in attendance wrote letters to their legislators in Albany. In conjunction with the sample letter, Dean Headrick had prepared, with help from Jay Marlin, a fact sheet on the SUSTA program which will be made available to all students.

Dean Headrick informed the students he was personally contacting many of the key legislative leaders, and he was preparing a statement on the SUSTA program to be presented to those leaders. He urged the students present to have their parents contact their legislators, and to get their fellow students involved.

Said the Dean, "Even students who don't receive SUSTA should be concerned and get involved because we all have a stake in the quality of the law school and it will suffer if SUSTA is not restored."

Marlin, who was actively involved in the efforts to fight a tuition hike two years ago, expressed both his concern over the lack of attendance and his conviction that "this is a battle that can be won."

"Everything we know about the way Albany works indicates to us we have a good case for the retention of SUSTA and this is a winnable fight," said the financial aid advisor.



Bill Altreuter, SBA President, distributes SUSTA fact sheets to some of the 30 students attending the meeting.

"There are no guarantees that SUSTA will be restored," continued Marlin, "it is a 50-50 proposition. But there is no way SUSTA will be restored unless those students who are affected get involved. It's up to you and your friends. If you don't care about losing \$1200 a year in aid, fine."

Most people in attendance expressed surprise at the small turnout, and suggested various reasons, from not having enough publicity to the attitude that someone else will do the work.

Conspicuous by their absence were any minority students within the law school population. When asked about this, Marlin commented, "Most minority students in the law school are on Equality of Opportunity tuition waivers. Therefore, they don't think they are affected by the loss of SUSTA, but they are wrong. Since all EOP students must apply for TAP, and since most receive SUSTA, the loss of

SUSTA would mean more students trying to get a limited portion of the EOP pie. Their SUSTA funds are used in place of EOP money. If there's no SUSTA, there may not be enough EOP money to afford those on tuition waivers the same waivers for next year."

The deadlines for the restoration of SUSTA funding are April 1, when the Legislature must vote on the new budget. If SUSTA is not restored at that point, the program could be restored by July 1, when the Legislature votes on the supplemental budget.

All students interested in joining the effort to fight for SUSTA should contact the SBA office or their SBA representative. A sign-up sheet for sitting at the desk in front of the library is posted on the SBA door.

Additional information on SUSTA is available in the financial aid office in Room 314 O'Brien Hall or at the SBA office.

Scholastic Achievement to be Recognized

The First Annual Honors Convocation will take place March 17 at 3:30 in the Moot Court Room. The Convocation provides an occasion to offer recognition for distinctive achievement by our present students. Awards will be given to students who have achieved superior overall records, and for achievement in particular course areas. The St. Patrick's Day party will immediately follow the Convocation.

Students from the present second and third year classes will be honored along with January 1981 graduates. It is an excellent opportunity for the students, faculty and administration to join in giving recognition where it is due. Plan on coming to the Moot Court Room at 3:30 pm on the Tuesday after Spring break and join in the Convocation and the St. Patrick's Day celebration.

photo by Frank Bolz

Opinion

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March 5, 1981

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President's Corner SUSTA Meet Is a Dismal Flop



by Bill Altreuter

Last Tuesday's dismal showing at the Save SUSTA Organizational meeting was, I suppose, an embarrassment, but more than that, it was an insult.

Only thirty-odd students, out of what Jay Marlin estimated were about a hundred and fifty first and second year students who are now receiving SUSTA, gave enough of a damn to show up Tuesday.

There is really no excuse for that kind of poor showing — only a few research and writing sections and Estate and Gift

Tax conflicted with the meeting time, and frankly, students in those classes who get SUSTA now, or are going to be eligible for it next year would have been well advised to miss one class to insure that they will have some way of being here next year.

The SBA has been trying to put together a lobbying effort to convince the legislature to restore SUSTA to the budget. For, whatever it's worth, the people who were at the meeting learned that we are now conducting a letter writing campaign to individual assemblymen and state senators and the chairpersons of the Higher Education, Ways and Means, and Finance Committees. It is vital that we get the support of the downstate members of the legislature. Students should ask friends and relatives to contact their state reps.

The SBA has fact sheets available, outlining what SUSTA means to the law

school. If you think maybe the money means something to you, I'd recommend sitting down and writing a few letters. I know your time is important, but if you think you'd like to have your letters look as though you are informed, you could pick up a fact sheet and crib from it. You might even want to enclose one.

In the event that some of you do sit down and write letters, you can drop them off at the SBA office, and we'll mail them out, postage and everything.

The SBA has a tie-line. If you're feeling garulous sometime, you might want to stop by and give Albany a call. If it looks like people are really interested in going to school next year, the SBA might even have a phone-a-thon.

This had originally looked like it was going to be a winnable fight. It still is, but not if we don't come out of the corner when the bell rings.

Editorial

Headrick is Valuable Asset to the School

The Opinion would like to extend its hearty thanks to Dean Thomas Headrick for doing a damn good job of running this law school.

The Dean has proven himself an able and hardworking administrator. He is largely responsible for introducing a number of innovative programs into this law school. There are a few of the problems of accessibility that usually plague administrator-student relations.

Dean Headrick's decision to attend the 100 Days Party and his ability to relate to students in a professional as well as social capacity are applauded. Except for two notable tax professors, no other faculty members could find time from their busy schedules and musty law review articles to appear at the bash. Perhaps some professors have an inherent inability to relate to the real world or perhaps they just do not wish to associate with this lower form of life known as the law student.

The Dean's attendance at this bash was an important indication of his support for the student body and UB Law School. We are fortunate to have such a Dean.

Late Grades Plague Law School Again

The semi-annual recurrence of late posted grades is upon us once again. As of this writing, there are fourteen professors who have yet to turn in their exam and paper grades.

It is unfortunate so many professors take their duties so lightly. While it is granted exam grading is an unpleasant task, preparing for and taking them does not amount to a great thrill either. It is not unreasonable for law students, having toiled long and hard over a semester's span, to expect a complete notification of their marks within two months of taking their exams.

Students, unfortunately, are virtually powerless with respect to this matter. Much as you can lead a horse to water, but can't make him drink, neither apparently can a balky professor, upon being led to his exams, be forced to mark them. We suggest, only half facetiously, that an ABA code of Professorial Ethics be drafted, addressing this problem.

Critics of AUL Are Set Straight

To the Editor:

I am writing this in response to the letter in your last issue concerning the Placement Office's listing of positions with Americans United for Life (AUL). The letter was misleading about the type of organization that AUL is and I believe the record should be set straight.

The writers accused AUL/AUL Legal Defense Fund of being "part of a small, well-organized and well-financed sector in the country which has stepped up their attack on women's right to choose." They also suggested that it was aligned with the so-called "New Right" and the Catholic Church.

First, AUL is a legal and educational organization, not a political one. The Chicago Tribune described it as "the only national, full-time group devoted to providing legal support for the anti-abortion, or 'pro-life' movement." It intervenes in support of parties or as amici curiae in lawsuits around the country which involve human life issues.

AUL concerns itself not only with abortion, but with such other matters as infanticide, euthanasia, in vitro fertilization, and so-called "wrongful death" tort actions. It can thus legitimately claim to be a genuine "pro-life" group. It also has not and would not take any stands that would justify lumping it with any "militarist, racist, anti-labor" groups, as the writers suggest.

AUL carries out its educational function by putting out publications and sponsoring scholarly conferences in areas of its concern, such as its recent highly successful International Conference on Infanticide and the Handicapped Newborn.

AUL is not part of any political alliances or coalitions with the "New Right" or any other group. In fact, its IRS status prohibits any such activity. It also has no affiliation with any churches or church groups.

It also was not the 1980 elections which made AUL "confident enough" to list its summer law student internship program with the Placement Office, as the writers allege. The announcement of the program was posted by the Office last year at this time also.

AUL has a board of directors which includes distinguished men and women from all over the US. They include seven physicians, one of whom is an internationally renowned pediatric surgeon; a congressman; two law professors; three other university professors; and two prominent Protestant clergymen. One of the physicians on the board is Dr. Mildred Jefferson, the first black woman graduate of Harvard Medical School.

AUL wishes it were "well-financed." On the contrary, it describes itself as existing "hand in mouth." It has an annual budget of \$250,000, which is not much for the substantial amount of legal work it does (about 25 active cases), its educational activities, and the Louisell internship program (the subject of the Placement Office listing). It has no major source for funds. Most seems to come from relatively small contributions in response to direct-mail appeals.

An example of the absence of "fat cat" contributions was seen with the infanticide conference mentioned above. The conference attracted scholars from the fields of law, medicine, and ethics, from around the world, but none of the major charitable founda-

tions would give AUL a cent for it. (Apparently, these foundations don't think that infanticide of handicapped newborns is important enough of a subject to be discussed.) AUL's usual small contributors made the conference possible.

The most disturbing thing about the letter was its obvious implication that the Placement Office should not include listings from organizations like AUL. They suggested that AUL has no right "to utilize a State University service."

I should point out to the letter writers that it is the students and alumni of the law school, not employers, for whom this service primarily exists and we should be permitted to have the full-range of law-related job possibilities listed.

As a recent UB law alumnus, I would strongly object to the Placement Office suppressing job information because it offends some students' political and social view. The Placement Office's listing is not reserved for organizations which espouse a particular political philosophy. AUL is a legitimate public interest law organization which should have access to the Placement Office.

Our free political society practices tolerance for different views and permits an open and unrestricted intercourse in ideas. It is by doing this that it believes that it has the best chance to discover the truth. When persons, like the writers of the letter, try to suppress ideas they dislike, they show themselves to be afraid of the truth. They betray a wrenching uncertainty about whether the position they are advocating is really the truth.

Stephen M. Krason

Financial Aid Office Reports on Student Loans

by Jay Marlin

Running out of money? Don't know how you're going to be able to afford to live while taking the bar review course? You were denied the full amount of your New York State Higher Education loan because you had reached the \$15,000 loan limit?

This news should then be good news.

The total amount that may be borrowed under the guaranteed student loan program (NYSHEAC loans) has been raised from \$15,000 to \$25,000. You are still limited to

borrowing \$5,000 per year, and you are permitted a total financial aid package, which includes the loan, of no more than \$7300 for a single student and \$10,000 for a married student.

To apply for another loan, the same procedure that was followed when applying for the first loan must be followed. You must get a NYSHEAC application from your local bank, and wait 3-4 months until the loan is approved. If your check is pink, it is likely to be the residue left over from government red tape.

In addition, for first-time

borrowers only, the interest rate on the New York State loans are going from 7% to 9%. For all individuals who have borrowed before, the interest rate will remain at 7%. Those students who are first-time borrowers should contact Jay Marlin in Room 314 O'Brien Hall for additional information.

Also, for all first-time borrowers, the grace period for starting to pay back the loan has been reduced from 9 to 6 months after graduation. For all previous borrowers, the grace period remains the same. Students can apply for a

New York State Higher Education loan for the 1980-81 school year until the last day of classes in April.

Under the Higher Education Act passed by the Congress this past fall, this and other changes will have a direct impact on the financial aid picture at the law school.

For example, all National Direct Student Loans for 1980-81 will have an interest rate of 4% instead of the present 3%, and the grace period for beginning to pay back that loan is also being reduced from 9 months to 6 months.

And, for work-study students, it is now required that public universities must comply with the federal minimum wage.

Prior to the Higher Education Act, public institutions weren't required to comply with increases in the minimum wage. As of January 1, 1981 the federal minimum wage is \$3.35/hour.

Applications for New York State Higher Education loans for 1981-82 will not be accepted until at least May 1. New forms for 1981-82 will be available at that time.

Law School Involvement Urged

To the Editor:

I think I speak for all those who attended the "100 Days 'Til Graduation" Party when I say: Thank you, 1981 Commencement Committee, and congratulations on a job well done! Nancy Caple and Terri Rahill, who were in charge of the Party's arrangements, as well as Leslie Wolffe, Chris Trapp and Joe Peperone, who are also generally responsible for coordinating all graduation activities, deserve a particularly big thanks.

All the people who purchased tickets and/or attended the 100 Days affair are proof that "the attitude around this place" has lost some of its overwhelmingly stench. Unfortunately, the apathetic aroma has not entirely evaporated. In spite of the best efforts of

students and certain faculty administrators, the attitudinal problems of the law school cannot disappear without the support of the faculty as a whole.

At a time when state budgets are being drastically reduced and the school's reliance upon alumni contributions is proportionately increased, the refusal of the faculty to support law school activities is at the very least curious, if not hypocritical. On the one hand, in 1981, these persons as a group ignore the plea of the third year class for a mere four dollar contribution in exchange for which refreshments and enjoyable company are offered. On the other hand, in 1982, this same faculty will be pleading with the Class of 1981 to supplant their ever dwindling school

finances (and they will NOT offer free beer, soda and wings!).

Were I asked today to contribute to either my undergraduate school or this law school, rest assured that my check would not order payment to UB. Whether my preference changes between now and that infamous day on which I receive my first "P-L-E-A-S-E Give to UB" letter is contingent upon the level of support the faculty can muster for student activities between now and then.

In the meantime, I respectfully challenge the faculty to do their part to assure that the "give and take" component of this school becomes just that: reciprocal.

Dorie H. Benesh
"Cheerleader of Life"

Reading Ethics—25% Is Necessary

Open Letter to the Dean and Everyone else at this law school:

I walked into school this morning to find a group of people gathered around the entrance to the library. Apparently, one of more persons, presumably first year students, last night papered several areas in the school with the now useless ethics material. Someone, while admitting to the poor administration of the ethics course termed these "phantom paper plasterers" as "juvenile adults making false accusations."

I suppose that these actions were silly and maybe what was written is untrue. Writing slogans and taping up ethics material all over is not a very effective method of rectifying an unfair situation. But if we look at these actions in the context of all the experimentation this first year class has had to put up with, we may find some method in this madness.

It is madness to find oneself with over 1200 pages of reading to be finished by the middle of the semester, with a brief, a midterm and regular classwork hanging over our heads. And it is madness to have spent the majority of the

last few weeks responsibly reading all 1200 pages and developing outlines for study groups, as some of us felt a responsibility to do. In the meantime, the rest of our course work has been abandoned and our briefs not quite as well-done as could have been. And now all of this time has been wasted. (Not to mention the wasted money we spent on the material, and wasted time of the people who had to offset all the material who were hassled enough this semester.) In addition, we were not given any warning or allowed any input — we were merely told that all that needed to be read would be the ABA code. But, you may say, wasn't the material worth reading? Won't we be more ethical for having ploughed through it all? (That was the point, wasn't it?)

Having been one of the unfortunates to have read ALL the material, I think I can safely say that for a one credit, first year basic ethic course, maybe one quarter of the material was necessary. The rest — well, it was just a lot of esoteric diversion which though useful for some, had no place in a first year curriculum already consisting of five heavy reading courses and one

large research project, demanding skills we were just now learning. Yes, ethics is important, essential in fact in learning to become effective and decent lawyers. And God knows, the profession could use a few. But this was no solution.

The phantom paper plasterers offered no solution and that certainly was his/her/their mistake. To fill that gap, what might be a more feasible plan for the future, would be to give a ten week basic ethics course the first semester of law school — one week for each code and one week for good luck. Three quarters of the material forced on us could be cut, leaving just several articles to illuminate problems with each canon. For those of us interested in further exploration, an elective including the rest of such materials could be available.

But for those of us who are most affected, we have no choice but to suffer through the rest of the term spending sleepless nights catching up in courses we put aside. It is apparently this frustration which has found its way to the walls.

Amy Ruth Tobol

Statistics Presented on UB Financial Aid

Information obtained from the financial aid computer indicates the following number of law students on loans and their average amounts. While the New York loan figures will undoubtedly increase as the year continues, these figures are the latest up-to-date data for school year 1980-81.

Out of a student population of 836...

687 students (82.2%) have either received a National Direct Student Loan or a New York State Higher Education Loan. Total dollars loaned to law students: \$3,218,278. Law students have received \$393,685 in NDSL money and \$2,824,593 in New York State money. Average loan is \$4684.

249 students (29.8%) have received a National Direct Student Loan, which is awarded by the Financial Aid Office on the basis of financial need. The maximum loan a student may receive is \$2500/year. The average loan to a student was \$1179.

635 students (75.9%) have received a New York State Higher Education Services Cor-

poration Loan (bank loan), which is not based on any financial need. The maximum loan a student may receive is \$5000/year. The average student loan was \$4410.

The following information is even more interesting...

Typical law student profile: 45 (5%) of the students in the law school have only a NDSL loan. The average loan is \$1830. Aggregate amount is \$82,355.

437 (52.3%) of the students in the law school have only a NYS loan. The average loan is \$4603. Aggregate amount is \$2,011,581.

204 (24.4%) of the students in the law school have both loans. The average NDSL loan is \$1526. The average NYS loan is \$3985. Therefore, this group is taking out an average of \$5511 in loans per year. NDSL aggregate is \$311,330. NYS loan aggregate is \$813,012.

These figures add up to 82.2%.

As you can see, the average law student is heavily in debt by the time he graduates from the law school.

ILC Plans Events for Week of March 25

Michael Posner, Executive Director of the New York Lawyers Committee for International Human Rights, and Amy Young-Anawarty, Executive Director of the International Human Rights Law Group (Washington, D.C.) will be at the Law School on March 23rd to talk about the use of international human rights law in domestic court decisions. Emphasized will be the recent U.S. decisions of *Filartiga* and the Haitian case, among others.

There will be an entire week's worth of films on human rights shown in O'Brien Hall during the week of March 23rd. They are sponsored by the International Law Clinic and the Mitchell Human Right Lecture Committee and include the following:

Prisoners of Conscience, pro-

duced by Noel Fox, Cadagan Communications (1980)

State of Siege, directed by Costa-Gavras, written by Francisco Solinas (1973)

Last Grave at Dimbaza, produced by Nana Mahomo (1974)

Generations of Resistance, produced by Peter Davis and the United Nations

Free Namibia!, produced by the United Nations (1978)

Formula Factor, produced by the Canadian Broadcasting Company (1977)

Controlling Interest, produced by California Newsreel (1978)

The Land of the Indians, directed by Zelito Viana (1978)

Nicaragua: Free Homeland or Death, directed by Antonio Yglesias and Victor Veta (1978)

My Country Occupied, produced by Newsreel (1971)

Law School Counselor's Door Is Always Open

by Bob Siegel

Have you ever felt a need to talk with someone but could find no available ears? If so, you should be relieved to

take the LSAT.

Her purpose here, according to Ms. Wright, is to help students with their problems. "Problems" is defined as "the whole gamut"; from personal

undergraduates, graduate students, and faculty members throughout the university. When asked to compare the problems dealt with at the law school thus far with those of the general university population, Ms. Wright felt she could sense more pressure here, but the differences were only a question of degree. "Problems are generally the same — law students are no different from anyone else," said Ms. Wright.

Ms. Wright's services have thus far been utilized mostly by first year students. According to Ms. Wright, "they feel they're not part of the total system, and that they weren't as prepared as they possibly could have been" for the law school experience. Ms. Wright tries to help the student work through the problem by "taking responsibility for it." "It's a matter of their being aware that they have things within themselves with which to work," said Ms. Wright.

Ms. Wright hopes more upper-level students will drop in for a visit in the future. She also welcomes dialogue with faculty, administration, and support staff. "I just hope everyone is aware my door is always open," added Ms. Wright.

Ms. Wright feels she is definitely helping to fill an existing void. "Responses have been very good," claims Ms. Wright, and "faculty and administrative endorsement of this kind of supportive service has helped greatly to minimize anxiety."

Ms. Wright did feel, at the outset, law students would be reticent about approaching a

counselor "for fear of the implications it may have on their career." She has not found stigma to be a problem here. "Stigma lies in how a person thinks he will be perceived — there is strong indication this service is seen in a very positive light." And, Ms. Wright added, "If you're helpful, people don't really care who knows!"

Ms. Wright hopes the law school administration will favorably evaluate the outcome of her experience at O'Brian this semester and create a full-time counseling position for the law school. Feeling strongly that "something should have been around long before now," there is no doubt in her mind a full-time counselor would be adequately used by the law school student body. "We don't give students enough credit for taking care of themselves. If the need has

been identified, and you provide the service, students will take advantage of it."

Ms. Wright provides the law school with counseling every Thursday, and can be found in O'Brian Hall, Room 725 from 9 am to 5 pm. No records of interactions are maintained. Counseling is confidential and "what goes on in the office goes no further than the office." There exists no rigid time schedule, Ms. Wright believing an "open" door best serves the needs of the student body. Even if the door is closed students should feel free to knock. If Ms. Wright is involved in a conference, the student will be given a specific time to return.

So in the future, if you have anything on your mind, or just want to shoot the breeze, you should know where to turn. Ms. Wright will gladly provide with an ear to listen and a shoulder upon which to lean.



photo by Lee Berger

Professional counselor Maggie Wright awaits her next appointment in her office in O'Brian 725.

know the law school has hired someone to listen to your problems, to consult with, and to be of general assistance. Ms. Maggie Wright, a professional counselor, spends every Thursday in O'Brian Hall for exclusive service to the law school student body.

Having received a master's degree from UB in Counselor Education, Ms. Wright is currently in the process of completing her dissertation for a Ph.D. In addition, she has had eleven years of counseling experience in a higher education setting. She has, in the past, taught workshops concerning the "psychology of examination" for students preparing to

relationships, to anxiety and depression, to academic and financial woes. Being new to the law school, Ms. Wright was not sure how much help she would be able to provide for persons with substantive academic problems. She pledged, however, to at a minimum "point students in the right direction." "If I'm incapable of helping a person resolve an issue, I will definitely seek out people who can be of assistance," she added.

While Ms. Wright is only at the law school on Thursdays, she "enjoys the day spent here." When not exclusively serving law students, Ms. Wright works with

Evidence of New Faculty at UB Law

by R.W. Peters

Students enrolled in Evidence quickly snapped out of their early morning reveries February 12th on hearing Professor Paul Birzon's announcement of his immediate departure for, as yet, undisclosed reasons.

His replacement, David Stiller, completed the class for Professor Birzon.

Professor Stiller is a graduate of Columbia Law School, where he was a classmate of Birzon's. Dean Thomas Headrick says Stiller, who is, as Birzon, a local prac-

itioner, comes highly recommended as a sharp and competent attorney, proficient in the areas of evidence, trial practice and litigation.

Stiller has had no prior teaching experience, but students presently taking the course indicate their general approval.

Professor Birzon's reasons for leaving remain unexplained. His office was evasive when questioned as to his present whereabouts.

Dean Headrick did allude to the possibility Birzon would return before the end of the semester.

Schuchardt Speaks to O'Brian Audience

by Steve Gabor

John Schuchardt, a member of the Washington, D.C. bar and a group called the "Plowshares 8", presented a lecture called "Lawyers and the Bomb" to an O'Brian audience on February 19.

Schuchardt was undaunted by the fact that an eight-count indictment is pending against him for illegally entering a Pennsylvania General Electric plant and destroying two nuclear re-entry vehicle cones. His actions were prompted by a belief that "the whole human family is about to be annihilated."

A graduate of the University of Chicago and a public defender for most of his legal career,

Schuchardt characterized his switch to an advocate of nuclear disarmament as a logical one. "As a defense counsel I made sure that the Bill of Rights was available to all who needed its protection. Today I'm an advocate of all the people because we all need protection from the bomb."

Consistent with his attitude

toward nuclear arms is Schuchardt's attitude toward the legal system. In a recent edition of *The Current*, he asserted that, "In law school you lose your understanding of right and wrong, and of justice and the law. Justice exists. The bomb symbolizes everything evil, every untruth, and every capacity for destruction in the human family. . . If your society is based on overkill, that's where your law is."

In light of the Reagan administration's proposed increase in defense spending, Schuchardt acknowledged his crusade will face a tough challenge in the years ahead. He maintained unilateral disarmament is the only answer to nuclear holocaust.

When a member of the audience exclaimed that unilateral disarmament would make America hostages of all people who have nuclear bombs, Schuchardt's response was a strange one: "That's strange. Thank you."

Schuchardt's visit was arranged through the auspices of the SBA and National Lawyer's Guild.

HONORS CONVOCATION

Tuesday, March 17th

3:30 p.m.

Moot Court Room

followed by

ST. PATRICK'S DAY PARTY 3rd Floor

Sponsored by the 1981 Convocation Committee and the SBA

Moot Court Wins Best Brief in Niagara Competition

A team of four second year law students from the State University of New York School of Law returned victorious from Detroit recently, having won the award for Best Memorial and placing fourth in the 1981 Niagara Cup International Law Moot Court Competition. The competition, hosted by Wayne State University School of Law February 14

and 15, fielded twelve teams from the northeast and Canada.

Tanya Harvey of Honeoye Falls, Ruth Pollack of Long Island, and Tom Eoannou and Joel Kurtzhals of Buffalo collaborated to write and argue a brief before a mock International Court of Justice on an issue concerning a hostage crisis and subsequent rescue

operation in South America. The issue paralleled the recent Iranian crisis and the 1976 Entebbe Incident. The team's success was particularly significant because the competition originated at UB Law School almost a decade ago.

Case Western Reserve Law School won the final round, followed by St. John's University School of Law.

A panel of distinguished authorities in international law, including Professor Robert Friedlander of Ohio Northern University Law School, Franklyn R. Willis of the U.S. Department of State, and Jean Ouellet of the Canadian Department of External Affairs, Legal Advisory Division, served in the final round as justices of the International Court of Justice.

Mugel. Twenty-eight teams from law schools throughout the northeast, midwest and southeast are expected to compete. The law school will be represented by the team of Bob Potenza and John Harras.

The problem, written by Professor Kenneth Joyce, deals with the tax effects of a settlement received for a claim of sexual harassment brought by a male attorney against a female partner.

The entire student body is welcome to attend the preliminary rounds on Friday, March 20 and the quarter, semi and final rounds on Saturday, March 21. Students who are interested in judging practice oral rounds for our team should check the Moot Court Board office door, Room 8 in the basement for details.

and Art Williams are competing in the Constitutional Law Competition at the University of North Carolina. The issues addressed are disclosure of a newsman's source of information and whether handicapped persons have a private right of action under the Rehabilitation Act of 1973.

Attending the ABA Client Counseling Competition are Cathy Lojewski and Mitch Lustig. Pace University is hosting the regionals. In this unique competition, the problem is received only ten days prior to the actual event. The format is an actual interview with a potential client. This year's problem deals with discrimination in employment and credit.

Shari Lewis and Rick Valentine will be arguing in the Wagner Labor Law Competition sponsored by New York Law School. The issues which were briefed and will be argued are the employer's duty to bargain and whether a credit union is a term or condition of employment.



photo by Frank Bolz

Winners of Best Brief include Moot Court competitors (l. to r.) Tanya Harvey, Tom Eoannou, Joel Kurtzhals, and Ruth Pollack.

On March 20 and 21 the Moot Court Board will host the eighth annual Albert R. Mugel Tax Competition named in honor of Professor Albert

In the next several weeks the law school will be represented at three national Moot Court competitions by Moot Court Board members. Betsy Broder

Women Law Students Plan Spring Activities

"Killing Me Softly" and "Rape Culture" will be shown as part of a film/discussion presentation by the Women Law Students' Association on Thursday, March 19, 3:30 p.m. in Room 106 O'Brien.

Attorney Linda Cleveland, President of the Buffalo Chapter of the National Organization of Women, will facilitate discussion after the films.

"Killing Me Softly" looks at the image of women presented in advertising, and "Rape Culture" examines the social context in which rape occurs. The film includes interviews with victims, rape crisis workers and convicted rapists.

wish to attend Ms. Pessar's talk only.

Both the experience of professionals and the work of researchers have shown that one of the major reasons for the low conviction rate for rape and sexual assault lies in the victim's reluctance to continue with the judicial process.

The Volunteer Supportive Advocate in Court Assistance Program for Sexually Assaulted Victims has been set up with a view towards easing this situation by helping to reduce the victim and her family's discomfort and apprehension, and increase the likelihood that the perpetrator of the crime will be successfully prosecuted.

Para-professional volunteers are trained to act as a supportive presence for victims and their families during the judicial process. The volunteers are trained to give emotional support, and also to explain the proceedings to the victim and her family.

Volunteers are to be available either three nights or two days a month, and the Court Assistance Program asks for a commitment of six months.

Applications are available in the Women Law Students' Office, Room 10. Please copy application and return to file.

Volunteers are also needed to work at Haven House, a shelter for battered women. For information about the training program for volunteers, contact Susan Siegal, volunteer coordinator, at 884-6002.

Linda Pessar, M.D., a psychiatrist practicing in Buffalo, will address a dinner meeting of the Women Lawyers of Western New York at the Buffalo Hilton at the Waterfront, San Carlos Room, on Wednesday, March 25 at 7 pm.

Ms. Pessar will talk about the various problems faced by professional women, particularly women attorneys, including emotional responses to job-related tensions and conflicts with the "traditional" roles of women.

Reservation forms are available in the Women Law Students' Association office, Room 10, until Tuesday, March 17. After that date, reservations may be made by calling Kathleen O'Brien Cirbus at 689-7331. Dinner reservations are \$14.00, but the program begins at 8 pm for those who

Innocent When Proven

*In early spring, I went to court
Late summer — off to trial
Innocent till proven . . .
Some justice for a while.*

*And so the accused, she takes the stand — patient all the time.
Not really much to say when charged with another's crime.*

*"Do you swear to tell the truth?"
"Beauty!"*

I objected.

"The whole truth, nothing else?"

Question uncorrected.

"That is all I know," said she.

"That is all we need know," said me.

*Now sudden silence enshrouds the room to hear The Lonely Word
Honesty so softly speaks — it's hardly ever heard.*

*"I know the victim . . . I know him well"
I even met the killer . . . what more is there to tell?"*

*"Should I tell you how she killed . . . you've heard it all before."
With finger pointed straight at me, "Ask him to tell you more!"*

*"Ask him about the night she lied and killed his trust in her.
Why am I upon this stand when it's him you should prefer?"*

*"Your Honor, I object!" said I, "This is really quite absurd.
I am not on trial here, but the judge . . . he wasn't stirred.*

*"Because of you she goes on trial," said the judge in his dismay,
"Victim and victimizer, both roles you've played today."*

*"Because you find one guilty man — all others must guilty be?
Place your faith in 'probable cause' — this really is the key."*

*"She can't be made to suffer for the crime of another's sin!
Case dismissed . . . both go free." The verdict now is in.*

quasi N. Rem '81

Headrick Testifies on SUSTA

On February 26, Dean Thomas Headrick testified at a joint hearing of the New York State Assembly and Senate Higher Education Committees in favor of legislative restoration of the State University Supplemental Tuition Assistance (SUSTA) program.

The legislative representatives, including Assembly Higher Education Chairman

Mark Siegel (D-Manhattan), Assemblymen William Hoyt, Robin Schimminger and John Sheffer and representatives of Senate higher education chairman Kenneth LaValle (R-Suffolk) heard Headrick say that "there is no rationale for ending the law school SUSTA program." The Law School Dean also explained the nature of the financial aid program

and the amount of students affected by the cutoff in aid.

Dean Headrick was warmly greeted by Assemblyman Hoyt, who noted that the law school was "among the top twenty law schools in the country." There was a generally optimistic tune to the testimony, which ended with praise for Dean Headrick by Assemblyman Siegel.

Utility Construction Cuts: An Industrial Dilemma

by Marc Ganz

What do Three Mile Island, the Federal Reserve Bank, Ronald Reagan and Mohawk Electric Company have in common? They are all central characters in the fight over financing and transmission of electric power in the United States. In the next few years, crucial decisions will have to be made concerning who will pay for the construction of new power plants and the decommissioning of older units.

The question of who pays is the essential issue. Will it be the consumer, the stockholder, the banker or the taxpayer who pays the electric company's bills? The Metropolitan Edison Company is scampering for funds in order to pay old Three Mile Island Nuclear Plant bills, service existing customers, and repair the spoiled nuclear unit.

In the past several weeks, a consortium of banks have made clear they will not extend additional credit to the near bankrupt utility company, unless the Pennsylvania Public Utilities Commission approves a requested \$76.5 million rate boost by April 10. The Commission has stated it will not have a decision in the rate case until near May. The operator of Three Mile Island is scheduled to pay nearly \$25 million in taxes to Pennsylvania and the state has refused to defer the monies owed.

What happens if Metropolitan Edison Company goes bankrupt? It will only contribute to the already worsening position of private utilities across the United States. High interest rates, combined with reluctance on the part of regulatory officials to assign higher consumer rates have led investors to depart from the utility field.

Utilities, in turn are asking both state and federal legislatures for relief in the form of Construction Work in Progress (CWIP) legislation. CWIP permits utilities to charge consumers the cost of constructing new power plants. Presently it is up to state regulatory agencies and legislatures to decide whether Niagara Mohawk Corporation may charge consumers for the Nine Mile Point nuclear power plant now under construction. Utilities are asking Congress to pass legislation permitting CWIP to be passed along to

rate payers. Consumer advocates argue the CWIP pass-along discourages energy conservation and leads to over capacity of electrical supply.

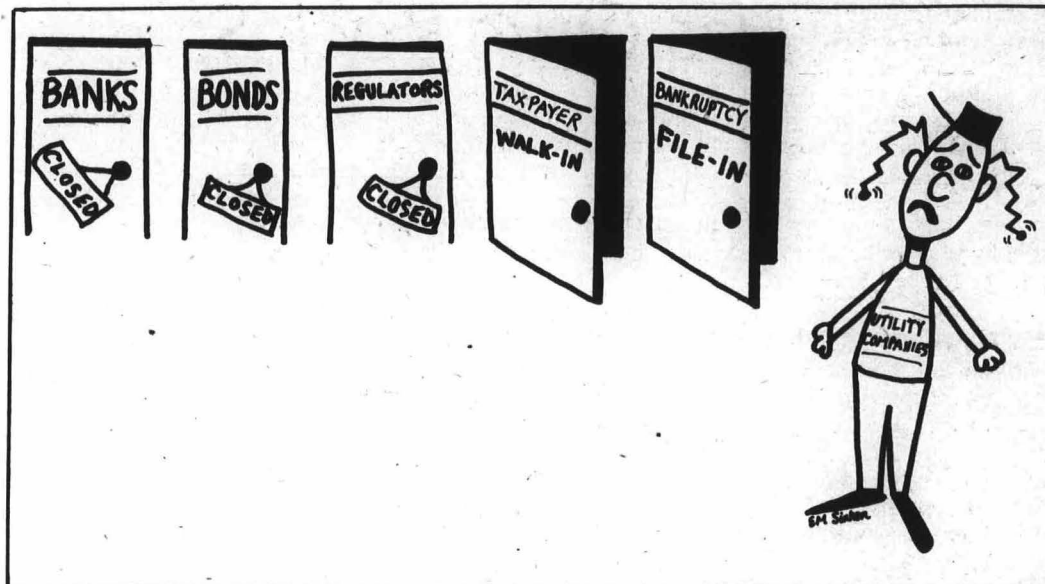
Financial advisors are also discouraging plant construction. New York's leading bond rating company, Standard and Poors, is advising utilities to cut back on construction schedules because of high financing costs. The conservative bankers are only echoing the advice given to utilities in past years by Ralph Nader and other environmentalists: stop building high priced power plants and start advancing conservation schemes.

Is trouble starting to brew in the utility industry? According to the *Energy Daily*, six major utilities withdrew bond offerings in December because of deteriorating market conditions. In addition, according to Standard and Poor's Vice President Roger Taylor, 29 of the 125 utility companies had their bond ratings lowered in 1980.

The utility industry's condition will only worsen in the years ahead. Electric utilities use an accounting device known as Allowance for Equity Funds Used During Construction (AFUDC). According to *Science* magazine, this accounting device allows utilities to "count as current income cash that will not be available until later when a plant has been completed and begins producing a marketable product."

This accounting mechanism backfires if the plant is canceled, or if sufficient revenues are not available when the plant is completed. For instance, the Long Island Lighting Company Shoreham nuclear plant is charging off billions of dollars during the construction period via AFUDC accounting. If the plant is not allowed to operate, or if economic conditions do not provide for huge increases in revenue, LILCO may well go into bankruptcy. As Amory Lovins of Friends of the Earth points out, "It allows the account books to reflect a demand and a willingness to pay for the electricity which may not exist in reality."

Utility companies cannot afford to complete nuclear plants because of Federal Reserve Bank inflated interest rates charged on current borrowing. Many utilities are therefore cancelling projects. The General Accounting Of-



fice reports 184 large utility projects were cancelled between 1974 and 1978. In New York State, regulators concerned with siting of nuclear and other power plants have cancelled projects scheduled in six areas across the state and have notified private utilities to change construction project schedules to reflect this anti-construction attitude. New York State is currently promoting a conservation attitude, via the Home Insulation and Energy Conservation Act of 1978, which mandates utility participation in energy conservation ratings, and also provides for low-cost loans for insulation installation. New York State legislators are also exploring interest free conservation loans and expansion of the program to include business and industry.

The Three Mile Island nuclear accident provided the impetus for a new era of conservation. The operators of the nuclear plant now concede the age of nuclear power is dead unless the federal government steps in and subsidizes the entire utility industry. These steps involve moving the nation away from a conservation ethic and also away from Ronald Reagan's free enterprise model.

These measures include a special nationwide utility tax to be paid for the cleanup of Three Mile Island, or a federal bailout of the Metropolitan Edison Company by the US government. This step may backfire, though, as conservatives and liberals unite behind the free enterprise banner. As consumer advocates note, the financing plans for conservation are cheaper and less of a risk than for centralized coal or nuclear plants. In addition, the recent appointment of anti-nuclear Congressman Richard Ottinger (D-New York) as Chairman of the House Subcommittee on Nuclear Power Issues lessens the chance of a federal bailout for the nuclear power industry.

What's the future of this centralized power source and the private electric industry as a whole? For the moment, there is a 35% surplus in electric generating capacity and, therefore, no supply crisis.

However, with continued high interest rates and slumping demand, utilities will not risk bankruptcy to continue a nuclear future. Unless the federal government intervenes, there will be a continued trend towards conservation and smaller capacity generating facilities. Electric rates will continue to climb as AFUDC needs to be paid, and other financial payments become due. For the next ten years, consumers will pay for the mistakes of the past ten years. Utilities have wasted vast amounts of time and resources predicting a customer demand that has not come close to realization. In the process they have scared off investors and consumers alike.

The utilities' future is bleak. Bankers do not want to lend them money. Regulators do not want to increase rates. Consumers try to avoid paying bills. Legislators resist changing laws in utilities' favor. Investors run away. The trend will continue until either the utility companies municipalize, go bankrupt, or consumers pay the high costs of electric generation. The latter is more realistic.

The financing of utility power plants has caused two opposing philosophies to develop. The pro-corporationists, led by Peter Navarro, via an article in *Regulation Magazine*, argue that regulators have been tough on utility companies that must raise capital to build nuclear and coal plants, and to replace oil producing plants currently in operation. Mr. Navarro argues that the increased demand forecasted by utility companies is accurate, although the ten year chart of utility forecasts shows that corporations are always attempting to build two or three times the amount of plants necessary. Mr. Navarro assumes a growth position which will never be accomplished with 20% interest rates. His entire argument is flawed by anticipated growth via new investment instead of conservation installation.

Navarro's solution is to federalize and regionalize utility production and take control away from state

regulatory authorities. He also advocates "temporary" aid to utility companies. He refers to this investment as petroleum displacement investment.

Pro-corporationists, such as Navarro are attempting to have the federal government subsidize the utility industry, in the guise of reducing petroleum consumption. It is interesting to note that a pro-utility corporation advocate, such as Mr. Navarro resorts to anti-free enterprise models for arguments. He advocates federal standards for regulatory requirements, a nationalized CWIP program, and increased tax benefits such as accelerated depreciation. He goes so far as to say the federal government should take over the responsibility of regulating utilities. If ever there was a program designed to help corporations avoid debate in the setting of policy, it is here.

On the other hand, conservationists argue the needed step is a moratorium on new plant construction involving strict construction standards and weatherization efforts. The anti-utility advocates municipalization of private utility companies, while the environmentalists suggest there is more than enough generating capacity for the next ten years.

Amory Lovins suggests a "soft energy path" consisting of gas fueled cars, solar energy and hydro-electric power. Lovins' plan severely attacks federal subsidization of nuclear power and advocates a safe energy future of renewable resources, and a shift away from centralized distribution. The utility companies obviously are opposed to this concept.

Utility rate reformers are also active. Such New York groups as the Public Utility Law Project (PULP) and the Citizen's Alliance lobby against financing methods that encourage the building of new plants. The groups tend to agree that the accelerated depreciation tax treatment presently allowed by New York State encourages new plant building. Utility rate reformers also argue against allowing CWIP and advertising costs in the rate base.



UB Law Has Own Rock Star

by Jimmy Kraus

At first impression, the life Roy Stein leads seemingly mirrors that of any typical third year law student. Completing his legal education, Stein attends classes and finds time to work part-time for a sole practitioner in his home town of Rochester. Like many other graduating law students, Stein's life after law school is somewhat uncertain at this time. What sets Roy apart from the masses, however, is the fact that his destiny lies in the eyes and ears of today's modern music performers.

Roy Stein has pulled off a remarkable feat. For the past three years, he has endured the rigors of law school while chasing the dream most amateur musicians share — the fame and fortune associated with breaking through into the mainstream of today's popular music scene.

After playing with various lounge and Top 40 acts, Stein was asked to join on as drummer with the Rochester group *New Math*. This established group had great potential but had yet to achieve notoriety. A record previously made by the band had received some local

airplay and, more importantly, was licensed by CBS Records and achieved moderate success overseas. At that time, the record company did not take steps to develop the band because of perceived problems in marketing.

However, the addition of Stein early last year along with another member change has transformed this hesitancy into genuine expectancy. Already the band has become recognized as the premier high-energy dance band in the Northeast, a fact witnessed by the group's repeated engagements in the showcase clubs of New York City as well as their selection to be the opening act for such top touring groups as The Pretenders. These weekend gigs in New York City, as well as their numerous appearances upstate, are part of the band's overall plan to become a moving force in today's music scene. This plan also includes the production of the band's material on both record and videotape, a strategy necessary to bring their capabilities directly to those in the music industry responsible for the development and promotion of such new acts.

Characterizing the band's music as "fast rock and roll", Roy relates the attitude of the group: "Our aim is to please those people who come to see us perform. Our music itself has no great social message. We have no show-offs in the band or any lengthy individual solo performances. We stick to the simple formula of basic three chord music with plenty of energy to get the crowd dancing and enjoying themselves."

This mutual flow of energy allows the musicians instant gratification as to the performances they deliver on stage. However, Roy acknowledges the misfortune of having this relatively new mode of music sometimes labeled as "punk rock" and the like. "That label grew out of the bad social conditions in England where the music of the time carried a strong message of rebellion," says Stein. "Attaching this name to all music with a somewhat similar sound damages the potential for promising music trends not to mention the affect it has as to turning off potential listeners." The less offensive term "new wave" has more recently been applied to this new music category.



Former law student Roy Stein sets the beat for his "new wave" rock group.

Stein is hopeful that something good will break for the group soon. He realistically views the future success of the band as hinging on the signing of a recording contract with a major record company. The band is fortunate to be associated with one of today's biggest names in the music industry — producer Howard Thompson. Thompson has previously handled the English successes of such groups as Eddie and the Hotrods, The Psychedelic Furs and the current number one group Adam and the Ants. Thompson flew to Rochester this winter to assist the band in recording their latest single, "We Walk Among You." Also indicating interest in the band is producer Myles Copeland, who also handles some very prominent

groups today including The Police.

By combining a law school education with his music endeavors, Roy Stein has in a sense hedged against the usual risks involved in the volatile music industry. If things turn out well, Stein has the insights into the legal profession to aid in protecting himself and the band from unfavorable dealings with agents and the like. If the dream does not materialize, however, he still has the benefits of the double life he has led. Regardless of the outcome, Stein has effectively proven the viability of pursuing an existence seemingly divergent from a law school education but, in the same sense, quite compatible when viewed together rather than apart.

Pep Talk

Free Agency Has Deleterious Effect on Baseball

by Joe Peperone

Well, sports fans, the ducks have returned to O'Brian swamp, and that means only one thing — baseball season is upon us. For awhile anyway. Last Wednesday, the Baseball Player's Association voted to go on strike May 29th if they could not reach agreement with the team owners on the issue of free agent competition.

In a nutshell, the owners voted February 19th to implement a free agent compensation system. It goes into operation whenever a "Quality" player goes the free agent route, leaves Team A, and signs with Team B. Under the owner's plan, Team B would not have to give up a player or players to Team A to compensate them for their loss. The owners see this plan as the only way to protect their teams from being decimated by player movements to the wealthier teams.

The players, though, see the issue as it really is. Such a compensation plan would drive a stake through the heart of the free agent system, a system which has made them so rich, so fast. As it is now, team owners sign free agents to fill what they perceive to be a hole in their lineup. If the owner's plan goes into effect, they would be deterred from filling one position at the risk of losing their own starter at another position.

Past experience has shown the player's position is right.

The free agent systems in football, basketball, and hockey have been rendered almost meaningless by similar compensation plans imposed by the owners in those sports. The chance of losing a popular or important player has been too great to risk signing another team's player as a free agent. Thus, there have been almost no free agent movements of players in those sports, even though the players technically have the right to play out their options and go to another team.

The fact is, the owners are desperately trying to save baseball from themselves. Most owners decry the free agent system and the huge salaries it has fostered, but they crawl over themselves for the right to sign utility infielders to \$300,000 a year contracts. A player with any talent at all (12 wins or 20 HR's) on the free agent market can get between \$400,000 and \$600,000 a year. And in these days of inflation, the term "superstar" has been devalued to mean 15 wins or a .275 average, which has brought these players contracts sometimes in excess of one million dollars a year from owners desperately trying to buy that "one more player" that will win the pennant for their trophy case.

The Dave Winfield story is a case in itself. Winfield may be a good player, but realistically, has consistently failed to play up to his potential. In his eight major league seasons, he has

hit over .283 twice, has over 25 homers once, and has hit 90 RBI's three times. Last year his figures were .276, with 20 homers and 87 runs batted in. Yet, in 1981, Dave Winfield will make \$1,400,000. The contract he signed with Yankee owner George Steinbrenner will be worth approximately 16 million dollars over a ten year period, and is adjusted for inflation, making the total package worth over 20 million dollars!

I, personally, don't think anyone deserves that kind of money to play baseball. And I believe that deep down, he doesn't think so either. But I really don't think anyone can blame Winfield, or any other player for taking this money. After all, it was offered, so he took it.

The owners admit they are responsible for the astounding salaries being paid this year in baseball. When polled by *Sports Illustrated*, they refused to blame the players for seeking these lucrative contracts, and admitted the teams wouldn't be offering them if they couldn't afford to and didn't think they were investing wisely.

The owners are getting rich just as much as the players. Although the owners never release their financial figures, each team gets between one and three million dollars a year under various television contracts and attendance is at an all-time high, getting better every year. Ticket prices keep

on rising, but are still the best buy in sports. Baseball remains the only major league sport you can take your whole family to see without going without food for a week. Which means that, despite inflation, the money is going to keep on rolling in, and everybody is going to be reasonably happy.

That may end May 29th, however. Unless a compromise is reached between now and then, the strike will begin. The problem is that, given each side's position, there appears to be no room to compromise. If the free agent price spiral continues, the teams and owners which are less well off financially will be unable to compete for even average players, and those teams will become uncompetitive on the field, leading to a drop in attendance, and a further loss of revenues.

The players want to retain the status quo, and will fight to the death against the implementation of any type of compensation plan. I believe there will be some sort of strike, and I think if that happens, the owners will end up losing. They have the most to lose in revenue (after all, today a player can live well for a year on a month's salary), and have the weaker bargaining position, since the players just want to retain the status quo, and aren't asking for additional salary or benefits.

Actually, I don't give a damn what happens. They're all greedy jerks and deserve to starve and have their Mercedes repossessed. Translation: I have to study for the Bar Exam and I don't need the distraction now. I can skip the sports page and go right to the comics.

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British and Egyptian Espionage Equals Suspense

by Peter Bergenstock

The scene is Egypt, 1942. British Intelligence is on the trail of an Axis spy supplying Field Marshal Erwin Rommel with strategic information. Unless the spy and his radio broadcasts are stopped, German forces will push the British to the Suez Canal and defeat. The stage is set for Ken Follett's mystery novel *The Key To Rebecca*.

Follett's beginning is captivating. The Egyptian-German spy, Alex Wolff, emerges from

the desert like a phantom, his goal to intercept British military plans for North Africa. Wolff is successful. He lures a British courier into a liaison with a sultry Egyptian belly dancer, thereby gaining temporary access to information which he sends to Rommel.

Wolff is an adroit spy — he received technical training in Germany in the arts of codes, weapons, and disguises. Having grown up in Egypt, he also knows how to blend into the Cairo scene, whom to bribe and where to hide. But, for all

his savvy, Wolff has left clues of his presence — a dead British soldier who inadvertently discovered his plans, and a stream of counterfeit English pound notes.

The British are on to him, but their efforts are thwarted by red tape, ineptness, and intra-departmental jealousies within British Intelligence itself. Not until the case is placed in the shrewd hands of Major Willaim Vandam are plans hatched for Wolff's capture.

The Key To Rebecca, named for the code Alex Wolff uses to send his dispatches to Rommel, is a good mystery with crisp writing and well-paced action. In order to achieve some historical veracity, Follett includes "real" characters within the pages of his book. We see the Desert Fox, Rommel himself, conferring with colleagues about Wolff's dispatches. Follett also introduces us to other military figures, among them German Field Marshal Kesselring and British General Auchinleck.

Follett even manages to weave young Anwar Sadat, an officer in the Egyptian army also involved in a movement to free Egypt from British rule, into the book.

The presence of these real figures distracts from the plot as a whole since Follett gives us only fragmented glimpses of them, not any real character development. Still, the inclusion of the likes of Erwin Rommel and Anwar Sadat does add some historical spice to an already existing book.

Are Police Given License to Commit Legal Murder?

CHICAGO, Feb. 20 — Most states have adopted "fleeing felon" statutes that allow local police officers under certain circumstances to shoot at a person who is suspected of committing a felony. This use of deadly force is the most volatile aspect of the police brutality problem.

"The Police are Getting Away with Murder," an article by Phil Smith in the March issue of *Student Lawyer*, examines this problem and the resistance that a complainant encounters when he takes his case to the police department or court.

Smith writes, "At the heart of the debate is the question of whether a gun should be treated as a defensive weapon to be used only to protect the officer, or whether it also should be considered an offensive tool that can be used to prevent a suspect's escape."

While federal law enforcement agencies have chosen the defensive approach, state statutes have opted for the offensive. "The perception is that under the guise of the fleeing felon rule the police are committing murder," Harvey Brinson of the Justice Department's Community Relations Service told the author.

In addition to police use of deadly weapons, the incidence of excessive force, or street brutality, also has caused a sharp increase in public complaints and alarmed the Community Relations Service, the U.S. Civil Rights Commission, and the Police Foundation.

Although these agencies, the ACLU, and community groups agree the problem of police brutality is growing, they do not agree on how to punish it or prevent it. Some think that local police officials should bear the responsibility for setting the standards and then enforcing them. However, internal discipline in police departments has not been an effective deterrent.

A victim of police brutality who is not satisfied with the action of a police department may bring a civil suit against the officer. The officer also may face criminal prosecution by the government. These court actions likewise have not been successful in curbing police brutality because both judges and jurors are predisposed to favor the police.

Philadelphia District Attorney Edward Rendell explains, "A policeman stands for right and for law and order, and a policeman tells the

truth. That's what most people believe from childhood — it's difficult to go against that."

Because of the lack of success of civil and criminal actions, the Justice Department Civil Rights Division and others believe that the federal government should take a larger role in dealing with local police brutality.

Barbara Brooks of the Civil Rights Commission reports, "Congress should enact some legislation which would authorize civil actions by the Attorney General against appropriate government or police officials where there are clear patterns and practices of abuse."

The cover story in this issue of *Student Lawyer* is "Tempest in a Test Tube" by Bruce Mays, which looks at recent developments in biogenetic engineering and the arguments concerning regulation and control of new life forms.

"Opening Fire on the Last Plantation" by John A. Jenkins examines the effects of lawsuits — both legitimate and frivolous — that challenge the right of Congress, often called the Last Plantation, to exempt itself from laws it enacts for the rest of the country.

Also in this issue is the an-

nual "Bar Revue" listing of dates, places, fees, and bar review courses for bar exams in each state. A companion article addresses the problem of failing the exam and how to

succeed the second time around.

Student Lawyer is the monthly publication of the American Bar Association's Law Student Division.

Annual Law Revue to Showcase New Talent

by Therese Rahill

The time has come once again to tune up your guitar, polish up that comedy act, test out those vocal cords, or just get ready to sit back and enjoy your peers entertaining. Plans for the Fourth Annual Law Revue are now being made. To refresh your memory, the Law Revue is the law school's own version of a talent show combined with a night of partying.

As those who have seen the show in past years will tell you, you will be amazed at all the hidden talent in O'Brian! In addition, the show will include the annual presentation of Nude Law Professor of the Year. As last year's winner, Prof. W. Howard Mann, will tell you, it is quite a special honor. Ballots are distributed after spring break and you'll be able to voice your opinion on

who you'd most like to see in the altogether. Interestingly enough, in a school with two-thirds males, a man has always won.

This year's show is being dedicated to retiring Professors Jacob D. Hyman and W. Howard Mann. It will be held on Friday, March 27th at the Wilkeson Pub, Amherst Campus. The show begins at 6 pm and lasts until 9 pm, during which time there are cheap drink specials and one can even order a bit of dinner while enjoying the show. The party does not end at 9 — although the drink specials do, as the Pub opens to the general public at that time.

The producers are still looking for talent — so get a hold of Joe Peperone, Nancy Caple or Leslie Wolfe if you'd like to join in on the fun.

1981 Spring Dinner Dance

Buffalo Hilton Hotel
April 3

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\$ 7.00 with senior I.D.

Sponsored by the 1981 Commencement Committee
and the SBA